

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 504 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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POPATBHAI VISHABHAI BHARWAD

Versus

GSRTC

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Appearance:

MR JS BRAHMBHATT	for Petitioner
MR YS LAKHANI	for Respondent No. 1

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CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 28/02/96

ORAL JUDGEMENT

Heard Mr. Brahmbhatt for the petitioner and Mr. Lakhani for the respondents. The petitioner is being proceeded in a departmental inquiry on certain allegations. For those very allegations a charge sheet is filed earlier against him in a criminal court. In fact the criminal charge sheet dated 4.8.95 clearly shows that the same is filed on the footing of the charges filed against the petitioner in the criminal complaint. In that view of the matter the submission

of Mr. Brahmbhatt has to be accepted that until the criminal case is over the departmental inquiry ought not to proceed. This is to prevent double jeopardy and disclosing once's defence in departmental proceedings will cause serious prejudice in the criminal trial. This view is already upheld by the Supreme Court in the case of Bhagwatiprasad Dubey vs. M/s Bharat Cooking Coal Ltd. & ors. reported in AIR 1988 page 2118. In that view of the matter, present petition deserves to be allowed and the respondents will have to be directed to stay the departmental action which they have initiated under charge sheet no. 175/95 dated 4.8.95, which will be pending decision in the criminal case. Mr. Brahmbhatt assures that the petitioner will co-operate in early disposal of the pending criminal trial. Rule is made absolute in terms of prayer 9(A). No order as to costs.